IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 17525 of 2006

Date of decision:November 07, 2006

Rajinder Pal .....*Petitioner*

Versus

Sat Pal and Ors. .....*Respondents*

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. Sapan Dhir with
Ms Samina Dhir, Advocates
for the petitioners

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ASHUTOSH MOHUNTA, J (Oral)

The challenge in the present writ petition is to the order dated 24.03.2006, Annexure P-10, passed by the Principal Secretary-cum-Financial Commissioner, Food and Civil Supplies, Punjab, by which the case has been remanded to the District Collector, Sangrur with a direction to enquire whether the respondent (Sat Pal) is residing in Village Rajindrapuri, Tehsil Dhuri, District Sangrur or not, and after making an enquiry, the matter pertaining to the Lambardari of the aforesaid Village, be decided afresh.

Learned counsel for the petitioner contends that the fact that the respondent is not residing in Village Rajindrapuri, has already been decided on a number of occasions by the various authorities and, therefore, there is no reason why the matter should be again remanded.

On the other hand, a perusal of the impugned orders shows that Sat Pal has categorically claimed that he is all alone residing in Village Rajindrapuri and, that the residents of the village will have no difficulty in approaching him.

In order to find out whether Sat Pal is ordinarily a resident of Village Rajindrapuri or not, the Financial Commissioner, has rightly remanded the case back to the District Collector, Sangrur, to get an enquiry done with regard to the residence of Sat Pal and, thereafter to take a fresh decision. Accordingly, we find no merit in the present writ petition and the same is dismissed.

However, the petitioner may raise all the points, as raised in the present petition, before the District Collector, Sangrur.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 07, 2006
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